



Medical
Association for
Prevention of War
(Australia)

PO Box 1379, Carlton VIC 3053
03 9023 1958
eo@mapw.org.au
www.mapw.org.au
ABN 157 79 883 661

18 July, 2024

To:

Committee Secretary, Parliamentary Standing Committee on Public Works

Submission to inquiry into:

**Department of Defence, Submarine Rotational Force—West, Priority Works, HMAS
Stirling, Western Australia**

Thank you for the opportunity to provide a submission to this inquiry into a Department of Defence proposal to provide facilities and infrastructure at HMAS Stirling in WA for the initial establishment of the Submarine Rotational Force - West in 2027.

MAPW is an organisation of health professionals dedicated to the prevention of armed conflict, the use of resources to promote human and environmental welfare rather than warfare, and the abolition of nuclear weapons.

We recognise the relevant parameters of the Committee:

- the stated purpose of the proposed work and its suitability for that purpose
- the need for the work
- the cost-effectiveness of the proposal

Dr Sue Wareham OAM

President, Medical Association for Prevention of War



SUMMARY

This submission outlines some of the many ways in which the proposal for SRF-W displays lack of attention to, and/or secrecy regarding, matters of public importance, including on public health and safety matters.

The proposal should not proceed at this stage, but should be considered only after genuine consultation, accountability and transparency for it have been implemented, including the specific recommendations below.

AFFILIATE



FOUNDER



MAPW RECOMMENDATIONS

MAPW recommends that the PWC not approve the current proposal, but that the following steps be taken:

1. On accountability and transparency

- a. Far greater public access be made available to AUKUS-related documents, including to the AUKUS agreement itself and all matters related to public health and safety

2. On nuclear safety risks

- a. Full details about how nuclear accidents or incidents at SRF-W would be managed, and by whom, and at whose expense, be released for public input and approval before the current proposal proceeds.
- b. International best practice be the required standard for all AUKUS-related nuclear activities in Australia
- c. The list of “agreed facilities” to which the FPA applies (particularly its Article V) be disclosed

3. On nuclear waste management

- a. The licence application from the Australian Submarine Agency (ASA) to the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) for the Controlled Industrial Facility be published
- b. No approval for SRF-W be given until the plan for final disposal of all the nuclear waste that the AUKUS submarines will produce be developed and subject to community consultation and approval
- c. Any acceptance by Australia of US or UK intermediate or high level nuclear waste be explicitly prohibited.

4. On regulation

- a. The naval reactor regulator be independent of all people and entities that have an interest in the outcomes of the program itself, including all relevant ministers.

5. On jobs

- a. The promotion of “jobs” benefits be removed from all official material and statements on SRF-W.

6. On environmental sustainability and energy targets

- a. The Defence Department publish transparent and independently verifiable data on the greenhouse emissions that will be produced by the current proposal, including information on how they are measured.
- b. The department specify what greenhouse emission reduction measures will be taken in implementing the proposal, and which independent agency will monitor them.

1. PROCESSES THAT ERODE ACCOUNTABILITY, TRANSPARENCY AND TRUST

AUKUS – shrouded in secrecy

This inquiry should not be separated from consideration of the ultimate purpose of AUKUS, and SRF-W, which is preparing for Australia’s involvement in a major war against China. Such a war would be a catastrophe in every respect.

This is the subject of much community concern and discussion which has been marginalised by decision-makers. The secrecy surrounding almost all aspects of the AUKUS agreement from its very beginning has been used to avoid scrutiny, accountability and a transparent consideration of where the AUKUS agreement is leading us. Part of this consideration should be where our major ally the US is heading politically and the implications for our relationship.

A process of salami-slicing by implementing elements of the AUKUS agreement when that agreement has never even been debated in our parliament, let alone subject to meaningful community consultation, is anathema to our democracy.

SRF-W “preliminary works”

On 30 May Dr Andrew Leigh MP (Assistant Minister for Competition, Charities and Treasury, Assistant Minister for Employment) successfully [moved a motion](#) in parliament for the approval of preliminary works for this proposal without referral to the Public Works Committee (PWC), on the basis that the preliminary works were urgent. The Defence Department (at clause 20) states that those works were valued at \$646 million.

Thus a *fait accompli* was achieved. How could the PWC possibly decide that the SRF-W project should not now proceed, given the urgent expenditure of such a sum?

Scant detail was given by the minister in his speech to parliament about the urgency, and there was no explanation as to how Australia’s security would be diminished if the works were delayed. Thus scrutiny and accountability for the spending of such large sums of public money were prevented. If, as MAPW understands, part of the urgent preliminary works is the provision of accommodation for foreign military personnel and their families, when [over 120,000 Australians are homeless](#) on any given night, then this is an appalling distortion of our priorities.

Pre-empting a decision on the Controlled Industrial Facility

The Controlled Industrial Facility (CIF) is a very significant element of the SRF-W proposal. MAPW notes that the CIF was approved by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) on 17 July, the very day before the close of submissions for this inquiry, and after the closing date had been extended by two weeks. The process gives every appearance of the regulator’s approval being regarded by the Defence Department as

a foregone conclusion for which a rubber stamp was needed. The process is rendered even more egregious by the fact that even the application to ARPANSA has been kept secret.

Abuse of due process – the example of the AWM redevelopment

This is not the first time that “early works” for major projects have been approved before there is approval for the project itself. For the Australian War Memorial (AWM) redevelopment, the National Capital Authority granted approvals for a new carpark, the demolition of Anzac Hall, major excavations at the front of the Memorial and the removal of 140 trees – all this before it had even received the AWM application for the main works for the redevelopment.

The Public Works Committee subsequently approved the AWM redevelopment, despite receiving an unprecedented number of submissions on the project and approximately three-quarters of them being against it. The PWC’s report on the proposal downplayed the quantity and quality of the opposition to it.

Casual bypassing of both important checks and balances and of public opinion degrades our democracy and erodes public trust in it.

Secrecy and lack of accountability

As noted above, the whole AUKUS project has been surrounded by secrecy from its inception.

“National security” is increasingly being used to withhold information and avoid accountability, even from the Australian National Audit Office (ANAO). The [ANAO Major Projects Report](#) (MPR) on Defence Department projects for 2022-2023, released in February 2024, stated that “As with the 2021-22 MPR, the 2022-23 MPR provides a reduced level of transparency and accountability to Parliament and other stakeholders”. It found that project delays and budgets in the department continue to blow out.

Access to important AUKUS-related documents requested under freedom of information laws is repeatedly denied to Australian citizens. Examples include requests for access to the signed AUKUS agreement itself, and access to documents relating to nuclear regulation, safety, non-proliferation, waste and reactor decommissioning. Such secrecy inevitably gives rise to questions about what is being hidden from us and why.

Greater scrutiny of Defence Department projects and the capacity of the department to deliver them, is needed *before* public funds are wasted.

Recommendations:

- a. Far greater public access be made available to AUKUS-related documents, including to the AUKUS agreement itself and all matters related to public health and safety

2. INSUFFICIENT ATTENTION TO NUCLEAR SAFETY RISKS

Risks for workers and communities

The proposal to facilitate the almost permanent stationing of US and UK nuclear submarines at a refurbished HMAS Stirling may expose Australian workers to the health risks associated with radiation exposure. However military secrecy again contributes to a lack of reliable information on this. To MAPW’s knowledge, no accident scenarios for nuclear submarines *based in* (rather than visiting) Australian ports have been modelled and made public.

A 2023 update of the major multinational [INWORKS \(International Network of Nuclear Workers\) study](#), of solid cancer mortality among workers in the nuclear industry, concluded that *“the association between protracted low dose exposure to ionising radiation and solid cancer mortality...is larger than estimates currently informing radiation protection”*. This suggests that current radiation exposure limits may not be sufficiently protecting workers.

Risks apply also to people living in the residential areas adjacent to HMAS Stirling. For them, there are more questions than answers in relation to the risks of nuclear accident and consequent radioactive exposure. Some relevant information - and questions - are available in [MAPW’s briefing “Naval nuclear power: Key health issues”](#).

Regardless of the size of an accident, the Biological Effects of Ionising Radiation (BEIR) committee of the American National Research Council supports a [“linear-no-threshold” model](#) which states that even the smallest dose of radiation exposure has the potential to cause a small increase in health risks to humans. While the risks might not be great, they are not zero, and it is in the nature of nuclear accidents that they generally arise in the context of unexpected circumstances.

Defence Department and BAE Systems lowering of safety standards

The Defence Department states (at clause 26 of the proposal) that *“Nuclear safety will be the paramount consideration”*, and that *“international good practice”* will be observed.

However the global standard that must be applied is not *“international good practice”*, but *“international best practice”*. There is very little if any information in nuclear regulatory documents about the term *“good practice”* and what it means in terms of nuclear safety.

Similarly, when BAE Systems (joint builder of the nuclear submarines with ASC) presented to the Senate Foreign Affairs, Defence and Trade Legislation Committee in April 2024 on the Australian Naval Nuclear Power Safety Bill 2023, the company pushed for the adoption of *“relevant good practice”* as the standard. This raised legitimate concerns that short cuts and a *“good enough”* mentality will prevail over matters of public safety.

Military imperatives versus public health and safety: the 2014 Force Posture Agreement

There is a further reason to question the reassurances that nuclear safety will be the paramount consideration. Under the [2014 Force Posture Agreement](#) (FPA) between the US and Australia, the US military will have unimpeded access and operational control over certain agreed facilities in Australia. While the locations of these facilities are not all disclosed (a further example of unacceptable military secrecy), the “[Optimal Pathway](#)” for the nuclear submarines specifies that the US rotations will occur under the FPA.

This is relevant because Article V of the FPA states that in the event of an incident or accident, the parties shall “*mutually develop procedures*” to address it, including for first response, investigations and for public statements. In other words, the US military – who have no responsibility towards the Australian people - would play a role in determining what Australians are told about any nuclear accident or incident relating to a US nuclear submarine in Australia, and how it is managed.

This is an unacceptable recipe for military imperatives prevailing over public health and safety, accidents being downplayed or covered up, and Australians being misinformed. It clearly undermines the [reassurances](#) issued by ARPANSA in 2023, which will only be of any value if radiation releases will be made public:

*“Detailed emergency response plans are developed and exercised before any Australian port receives a visit from an NPV. These plans are informed by the Reference Incident, which models a potential severe accident and **ensures that the Australian public is kept safe in the unlikely event of an emergency.**”*

Recommendations:

- a. Full details about how nuclear accidents or incidents at SRF-W would be managed, and by whom, and at whose expense, be released for public input and approval before the current proposal proceeds.
- b. International best practice be the required standard for all AUKUS-related nuclear activities in Australia.
- c. The list of “agreed facilities” to which the FPA applies be disclosed.

3. FURTHER NUCLEAR SAFETY RISKS – NUCLEAR WASTE MANAGEMENT

We have noted above that the approval of the nuclear regulator for the Controlled Industrial Facility (CIF) for the storage of low level radioactive waste at HMAS Stirling seemed to be regarded as a foregone conclusion. On the matter of public input into this decision, the process was appalling.

The public were invited to comment not on the application to construct the facility, which was not made public (MAPW was denied FOI access to it), but on a glib promotional

brochure for the project. The brochure was virtually devoid of relevant information, and contained multiple false or misleading statements. Further detail is available in MAPW's submission to ARPANSA, attached as an annexe to this submission.

Despite the granting of ARPANSA's approval on 17 July, no final disposal site for this waste has even been identified, yet alone approved. Locating a disposal facility for nuclear waste in Australia has been a highly contested area for decades. The Defence Department's intention to find one is not a plan. There is no guarantee one will be found, and in that case the storage facility will then become the de facto disposal facility. This is not international best practice. It is extraordinarily poor practice.

A further concern in relation to nuclear waste and the current proposal for HMAS Stirling is the lack of clarity about whether our allies' many decades of submarine nuclear waste could eventually be disposed of in Australia. The fact that neither the US nor the UK are even close to finding a permanent solution for their own nuclear waste adds to these concerns.

Recommendations:

- a. The licence application from the ASA to the ARPANSA for the Controlled Industrial Facility be published
- b. No approval for SRF-W be given until the plan for final disposal of all the nuclear waste that the AUKUS submarines will produce be developed and subject to community consultation and approval
- c. Any acceptance by Australia of US or UK intermediate or high level nuclear waste be explicitly prohibited

4. REGULATION OF THE AUKUS SUBMARINE PROGRAM – A CONFLICT OF INTERESTS

Clause 27 of the Defence Department proposal states that the new regulator, the Australian Naval Nuclear-Power Safety Regulator, will be independent. This is not so. The regulator will report to the Defence Minister, the same minister who is responsible for delivering and operating the nuclear submarines. This creates major conflicts of interest that impact on both community safety and public confidence. It is a recipe for cover-ups and shortcuts on safety matters if and when the program strikes problems and delays, as it is likely to do.

This arrangement does not comply with [International Atomic Energy Agency \(IAEA\) governance standards](#) (requirement 4), which call for “functional separation” of the regulation from the program being regulated. A system in which the regulator is answerable to the minister overseeing the activities being regulated is not “functional separation”.

The possibility of “regulatory capture” has alarmed ARPANSA’s own Radiation Health and Safety Advisory Council, who advise the CEO. In October 2022, the council [wrote to the CEO](#), stating:

“Independence of the regulator is a critical part of its effectiveness. The regulator should be independent of the operators and departments overseeing any aspect of purchase, manufacture, maintenance, and operation of the program. It is noted that some of the more significant global nuclear and radiation incidents have arisen from inadequate separation of responsibilities from regulatory capture.”

Recommendation:

- a. The naval reactor regulator be independent of all people and entities that have an interest in the outcomes of the program itself, including all relevant ministers.

5. JOBS

On the matter of jobs, the Defence Department predicts (at clause 72 of the proposal) that an estimated 510 full-time equivalent jobs will be created over the life of this project. With the total capital cost being \$738.1 million (clause 66) this works out at approximately \$1.4 million per job, an astonishing cost.

According to [data in the US](#), which are likely to be roughly applicable in Australia, healthcare creates 40% more employment for a given expenditure than the military. Our healthcare system in Australia is crying out for more workers, and Australians suffer needlessly as a result.

In terms of jobs, the proposed expenditure on SRF-W would serve Australians extremely poorly.

Recommendation:

- a. The promotion of “jobs” benefits be removed from all official material and statements on SRF-W.

6. ENVIRONMENTAL SUSTAINABILITY AND ENERGY TARGETS

The Defence Department states (clause 57) that “*Defence is committed to ecologically sustainable development and reducing greenhouse gas emissions.*” However, in the absence of evidence of these things, the statement is no more than greenwashing.

The Defence Department has not published complete energy use or emissions data since 2012, and there is no information about how the ADF measures emissions, or how it deals

with operational emissions. No plan for decarbonisation has been published. Reporting of Defence emissions through the National Inventory scheme has been poor.

Climate change, along with the risk of nuclear war, are our greatest security threats. Military operations drive increased emissions and abet the threat of climate change.

In addition, if Defence is to play a role in minimising this threat, decarbonisation alone will not be enough. Military activities and deployments must be reduced and efforts towards peace and stability increased.

Further information can be found at <https://www.mapw.org.au/news/military-emissions/>.

Recommendations:

- a. The Defence Department must publish transparent and independently verifiable data on the greenhouse emissions that will be produced by the current proposal, including information on how they are measured.
- b. The department must specify what greenhouse emission reduction measures will be taken in implementing the current proposal, and who will monitor them.

ANNEXE.

**MAPW SUBMISSION TO ARPANSA REGARDING LICENCE APPLICATION FOR THE SRF-W
CONTROLLED INDUSTRIAL FACILITY. 5 June, 2024**

Dr Gillian Hirth PhD
Chief Executive Officer
ARPANSA
5th June 2024

Re: Decision regarding a Controlled Industrial Facility Licence Application for HMAS Stirling

Application number: A0346
Applicant name: Australian Submarine Agency (ASA)
Name of facility: Controlled Industrial Facility
Type of facility: Prescribed Radiation Facility
Proposed location: HMAS *Stirling*, at Garden Island, Rockingham WA
Application type: Authorisation to prepare a site for a controlled facility.

Dear Dr Hirth,

Thank you for the opportunity to comment on the brochure the Australian Submarine Agency (ASA) has provided regarding its application for a licence from the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

This document is not the licence application.

Under Section 53 of the Australian Radiation Protection and Nuclear Safety Regulations 2018, ARPANSA must take the content of any submissions made by members of the public about an application into account in its decision-making process.

But ARPANSA has withheld the ASA application from the public. Public comment can only be made about the ASA's public relations for the application, not the application itself.

ARPANSA therefore should **not make a decision** on the ASA application.

In essence, this process has two major flaws.

- 1)The secrecy of the licence application makes genuine comment impossible. This secrecy makes a mockery of statements regarding transparency and accountability.
- 2)The site is meant to be a storage facility for low level radioactive waste. There is no final disposal site selected/determined. Locating a disposal facility for nuclear waste in Australia has been a highly contested area for decades. The Defence department have stated an intent to pursue a disposal site, but intent is not a plan. There is no guarantee one will be found and in that case the storage facility will then become the de facto disposal facility. This is not international best practice. It is extraordinarily poor practice.

Comments about the brochure:

There are multiple misleading assertions, not limited to, but including the following:

a) On “hazard assessment”

“Conservative hazard assessment has demonstrated that there will be no off site radiological consequences to the public as a result of the activities at this facility.” (p2, repeated p5).

Hazard assessments estimate risk. They do not and cannot “demonstrate” a prediction of no future radiation releases. The risk may be very small, but it undermines confidence in the veracity of the whole process when such bald assertions are made.

b) On accountability

Claims of accountability (p4) are compromised when pending government legislation means ultimately the new regulator of nuclear waste operations will report to the Defence Minister, The Minister has a clear conflict of interests in both regulating the submarine program and ensuring that it succeeds.

In October 2022, ARPANSA’s Radiation Health and Safety Advisory Council, a committee made up of expert ARPANSA staff who advise the CEO, wrote to the CEO, stating:

“Independence of the regulator is a critical part of its effectiveness. The regulator should be independent of the operators and departments overseeing any aspect of purchase, manufacture, maintenance, and operation of the program. It is noted that some of the more significant global nuclear and radiation incidents have arisen from inadequate separation of responsibilities from regulatory capture.”

The ARPANSA letter explicitly referred to a public safety risk in setting up a new regulator:

“Separate and unaligned nuclear and radiation regulatory frameworks, for example a Commonwealth nuclear powered submarine regulator apart from existing jurisdictional radiation regulators, could present a risk to public safety.”

The provisions in the *Australian Naval Nuclear Power Safety Bill 2023* (‘Provisions’) and *Australian Naval Nuclear Power Safety (Transitional Provisions) Bill 2023* (‘Transitional Provisions’) also do not comply with the standards of the International Atomic Energy Agency (IAEA). The IAEA sets out in its Governmental, Legal and Regulatory Framework for Safety (Requirement 4) a requirement that regulatory bodies be “effectively independent in....safety related decision making and [have] functional separation from entities having responsibilities or interests that could unduly influence its decision making.” A system in which the regulator is answerable to the minister overseeing the activities being regulated is not “functional separation”.

c) On low level nuclear waste

“The low-level radioactive waste management activities are similar to those that occur in over 100 locations nationwide, including hospitals, science facilities and universities.” (p2)

This is again misleading and wrong. The LLW generated by processes maintaining a nuclear reactor has a half life that is very different, hence the need for a repository. The vast majority of nuclear waste from hospitals is very short lived waste (VSLW) or very low level waste (VLLW), both of which are disposed of in landfill after a decay period. Similarly, in the 2021 inventory of LLW, the amount of LLW held by universities and science facilities is negligible.¹

CSIRO has contributed a limited amount to Australia’s LLW inventory, but this material is not at “100 sites”.

d) On international best practice standards

“Informed by UK and US expertise, the ASA is developing a comprehensive safety management system that supports the safe operation of Australia’s nuclear-powered submarine enterprise.” (p5)

“Implementing Australian, UK and US best practice through the application of these high standards will be underpinned by the ASA’s strong technical base and internal assurance systems and the Australian regulatory system, all of which will be critical to the success of Australia’s Nuclear Powered Submarine Program.” (p5)

UK standards are not international best practice. We should definitely not be emulating them.

The UK approach:

i) Operations

BAE in its submission to the Senate Foreign Affairs, Defence and Trade Legislation Committee inquiry regarding the *Australian Naval Nuclear Power Safety Bill 2023* (‘Provisions’) and *Australian Naval Nuclear Power Safety (Transitional Provisions) Bill 2023* (“Transitional Provisions’) proposed a substitution in the legislation of ‘international best practice’ with ‘relevant good practice’ to avoid conflict with UK standards. (p5-6). “Relevant good practice” is a recipe for riding roughshod over any public health and safety measures that might jeopardise or delay the project. It is a disgrace that amendments, which actively undermine the much touted “*Nuclear Mindset*” and the “International best practice” standards, are requested by the BAE corporation, given it is so intimately involved with the AUKUS submarine project.

ii) Reporting

In the UK, annual reports by the Ministry of Defence’s internal watchdog, the Defence Nuclear Safety Regulator (DNSR), were published under

¹ <https://www.industry.gov.au/sites/default/files/2022-09/australias-national-inventory-of-radioactive-waste-2021.pdf>

Freedom of Information law until 2017, when public access to them ceased. Legal appeals to gain access to safety reports issued after 2017 have been rejected on “national security” grounds.²

e) On open and honest dialogue

“Clear and effective communication. To enable an environment of excellence, in which concerns are able to be voiced, and open and honest dialogue is supported, emphasis needs to be placed on clear and effective communication. Additionally, good communication builds trust and confidence both within and outside the organisation, including with the wider Australian public.”

This is an extraordinary statement given the actual application is secret and cannot be viewed by the public. It undermines both trust and confidence.

In summary

This process, based on a glib promotional brochure that is full of assurances and virtually devoid of relevant and accurate information, to progress a facility with important public health and safety implications, borders on farcical.

It inspires little confidence in transparency, accountability and indeed the standards of practice that will actually be implemented.

The overuse of secrecy to avoid accountability by the Defence Department is unacceptable. A transparent process that actually provided the documents that are relevant to the decisions being made, and that actually observed international best practice standards on community consultation, would provide greater confidence.

MAPW has already received a 'practical refusal' to our FOI request for the ASA licence application. We have revised the request to focus on public health considerations and the assessment of off-site radiological consequences.

MAPW requests the opportunity for our organisation, and other interested parties, to be consulted on this matter **with the provision of the ARPANSA application itself** for which approval is being sought.

Yours sincerely

Dr Sue Wareham OAM, President

Dr Margaret Beavis OAM, Vice-President

Medical Association for Prevention of War

² Finding allowing MoD to keep safety risks secret condemned as “threat to democracy”. The National, 4 July 2021. <https://www.thenational.scot/news/19418166.finding-allowing-mod-keep-safety-risks-secret-condemned-threat-democracy/>

